

**Cody, Karen**

---

**From:** Jackson, Brad  
**Sent:** Wednesday, April 16, 2014 1:36 PM  
**To:** Cody, Karen  
**Subject:** FW: BFG Letter  
**Attachments:** Respondents61a.docx

---

**From:** Jackson, Brad  
**Sent:** Thursday, January 16, 2014 7:03 AM  
**To:** Monell, Carol  
**Subject:** BFG Letter





**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

**REGION 4**

**ATLANTA FEDERAL CENTER**

**61 Forsyth Street**

**Atlanta, Georgia 30303-3104**

January 16, 2014

Mr. Bruce C. Amig  
Director, Global Remediation Services  
Goodrich Corporation Four Coliseum Centre  
2730 West Tyvola Road  
Charlotte, NC 28217-4578

Mr. Ernie Schaub  
Corporate Manager, Environmental Services  
PolyOne Corporation  
33587 Walker Road  
Avon Lake, OH 44012

Mr. Kevin Sheridan  
Westlake Vinyls, Inc  
2468 Industrial Parkway  
Calvert City, KY 42029

Re: Notification of Non-Compliance  
BF Goodrich Site, Calvert City, KY

Dear Messrs. Amig, Schaub, and Sheridan:

The U.S. Environmental Protection Agency is in receipt of the Respondents' January 8, 2014, request for additional time to submit a Remedial Investigation (RI) Report for the B.F. Goodrich Superfund Site located in Calvert City, Kentucky. The Respondents are required to submit an RI Report to the EPA pursuant to paragraph 45(f) of the Administrative Settlement Agreement and Order on Consent (AOC) dated December 9, 2009.

The RI report was due on July 12, 2013, but on that day, the Respondents submitted separate<sup>1</sup> RI Reports. On July 24, 2013, the EPA notified the Respondents pursuant to paragraph 52 of the AOC, that the submission was disapproved in whole and directed the Respondents to submit one RI Report. The EPA met with the Respondents on several occasions in August and September 2013, in order to provide further direction and facilitate the development of a joint report. On September 18, 2013, the EPA notified the Respondents that pursuant to the AOC, they have 30 days to submit a joint RI Report. The Respondents were unable to prepare a joint report within the 30-day period and were subsequently granted additional extensions in time on October 22 and November 25, 2013. The last extension in time expired on January 9, 2014.

---

<sup>1</sup> Three reports were submitted, two on behalf of PolyOne and Goodrich and one on behalf of Westlake.

At the Respondents' request, the Region 4, EPA Acting Regional Administrator met with the Respondents in December 2013 to discuss their concerns regarding the implementation of the RI/FS and specifically discussed the Respondents' inability to submit one RI Report.

On January 8, 2014, the Respondents requested a third (unspecified) extension in time to submit a joint RI Report. However, the Respondents have failed to meet the January 9, 2014, deadline or provide the EPA with a date certain for submittal of a joint RI Report. The EPA has granted two extensions in time over a six month period to complete the development of an RI Report.

Because the Respondents have failed to submit the RI Report, the EPA will exercise its rights pursuant to paragraph 92 of the AOC and take over the work for the preparation of the RI Report and Risk Assessment. The EPA has determined that the Respondents have ceased implementation of the Work by failing to submit the RI Report and are seriously and repeatedly deficient and late in the performance of work. Costs incurred by the EPA in performing the Work pursuant to the above-referenced paragraph shall be considered Future Response Costs that the Respondents shall pay pursuant to Section XVII (Payment of Response Costs). The EPA retains all authority and reserves all rights to take any and all response actions authorized by law. The Respondents may invoke the procedures set forth in Section XV (Dispute Resolution) to dispute the EPA's determination that takeover of the Work is warranted under paragraph 92. Lastly, in accordance with paragraph 75, the Respondents shall be liable for a stipulated penalty in the amount of \$50,000 for the EPA's performance of a portion of the Work pursuant to paragraph 92.

The Respondents shall provide the EPA with copies of all databases, spreadsheets, and word documents that were used to prepare the separate reports. This information shall be copied to external hard drives and provided to the EPA within seven days of the receipt of this letter. Additional information may be required.

Upon completion of the RI report and Baseline Risk Assessment by the EPA, the Respondents will be provided copies of the reports for development of the Feasibility Study.

Should you have any questions, please the Remedial Project Manager, Brad Jackson, at 404-562-8925.

Sincerely,

Carol J. Monell, Chief  
Superfund Remedial Branch

cc: Ken Logsdon, KDEP